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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,493	01/03/2002	Victor A. Sipos	304 P002	6266

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EXAMINER

NELSON JR, MILTON

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,493

Applicant(s)

SIPOS, VICTOR A.

Examiner

Milton Nelson, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) 4, 17, 18 and 58-68 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-34, 36-51 and 54-56 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8, 9, 12, 15, 16, 35, 52 and 57 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 10, 11, 13, 14 and 53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

The information referred to in the information disclosure statement filed April 9, 2002 has been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 15, 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of claim 9, 15 and 35, it is unclear if the "extension rails" and the "extension rail member(s)" are intended to be the same structure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 8, 12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hampton (6158807). Note the stationary base (18), securing mechanism (46, 22), mobile platform (15), locking mechanism (36), child seat securing apparatus (31, 29), handle (60), and child seat (10).

Claim 57 is rejected under 35 U.S.C. 102(b) as being anticipated by Hampton (6158807). Note the stationary base (18), securing mechanism (46, 22), mobile platform (15), and locking mechanism (36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Hampton (6158807) in view of Batalaris et al (6193310).

The primary reference shows all claimed features of the instant invention with the exception of the base mounting tethers mounted to the stationary base for engaging anchors mounted in a vehicle.

The secondary reference teaches the conventional concept of configuring a stationary member (10) with base mounting tethers (24, 26) mounted to the stationary member for engaging anchors (28, 30) mounted in a vehicle.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring the assembly with base mounting tethers mounted to the stationary base for engaging anchors mounted in a vehicle. Such a modification enhances user safety by improving securement of the assembly within a vehicle.

Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hampton (6158807).

Hampton shows all structural features of the instant invention. Note the base (18), securing mechanism (46, 22), platform (15), locking mechanism (36), and child seat securing apparatus (31, 29). Hampton lacks only the specifically claimed method of manufacturing steps. It would have been obvious, if not inherent, to one having ordinary skill in the pertinent art to manufacture the assembly of Hampton by the specifically set forth method of manufacture steps. Such provides an efficient, relatively inexpensive method for manufacturing a child seat restraining device.

Election/Restriction

Applicant's election without traverse of Group 9, Figure 19, claims 1-3, 5-16, 19-25, 27-30, 32-41, 49-53, and 57, is acknowledged. Non-elected claims 26, 31, 42-48, and 54-56 have been treated on the merits since each depends from a claim that has been found allowable subsequent to the election requirement. Non-elected claims 4, 17-18 and 58-68 have been withdrawn from further consideration.

Allowable Subject Matter

Claims 19-34, 36-51, and 54-56 are allowed.

Claims 9, 15 and 35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 6, 7, 10, 11, 13-14 and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A seating assembly with a seat portion that can be reoriented is

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shown by each of Blaymore (6572189), Gibson (3718365), Horton et al (6024398), and Yamazaki (6431647).

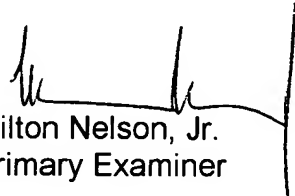
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or the Customer Service representative whose telephone number is (703) 306-5771.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (703) 308-2117. The examiner can normally be reached on Monday-Thursday from 5:30 AM-3:00 PM. The examiner can also be reached on alternate Fridays.

The fax number for this Group is (703) 305-7687.

mn

September 22, 2003



Milton Nelson, Jr.
Primary Examiner